

EXHIBIT 5

From: [Matthew C. Barneck](#)
To: [Corey Riley](#)
Cc: [Andrew Deiss \(adeiss@deisslaw.com\)](#); [Wesley D. Felix \(wfelix@deisslaw.com\)](#); [Zachary E. Peterson](#)
Subject: RE: Alexander, et al. v. Smash Solutions, et al.
Date: Tuesday, February 11, 2020 7:40:00 PM
Attachments: [Alexander et al. v. Smash Solutions et al..msg](#)

Andy and Corey:

I'm checking in to follow up on our phone call about a month ago. We need to know when the Plaintiffs can serve responses to Defendants' Second Request for Production and supplemental responses to the First RFP. The discovery requests and meet-and-confer letters are in the attached email. Can you tell us where things stand? Thank you.

Matthew C. Barneck



Matthew C. Barneck
Shareholder
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s: www.rbm.com
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From: Corey Riley [mailto:criley@deisslaw.com]
Sent: Monday, January 6, 2020 1:03 PM
To: Matthew C. Barneck
Cc: Andrew Deiss (adeiss@deisslaw.com); Wesley D. Felix (wfelix@deisslaw.com); Zachary E. Peterson
Subject: Re: Alexander, et al. v. Smash Solutions, et al.

Thanks, Matt. That works for us. We'll call you then.

COREY D. RILEY | Attorney
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Office: (801) 433-0226 | criley@deisslaw.com | deisslaw.com

On Mon, Jan 6, 2020 at 12:44 PM Matthew C. Barneck <Matthew-Barneck@rbmn.com> wrote:

Corey:

Zack and I are available after 3 pm today. Let us know if that works for you.

Matthew C. Barneck



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From: Corey Riley [mailto:criley@deisslaw.com]
Sent: Monday, January 6, 2020 10:20 AM
To: Matthew C. Barneck <Matthew-Barneck@rbmn.com>
Cc: Andrew Deiss (adeiss@deisslaw.com) <adeiss@deisslaw.com>; Wesley D. Felix (wfelix@deisslaw.com) <wfelix@deisslaw.com>; Zachary E. Peterson <Zachary-Peterson@rbmn.com>
Subject: Re: Alexander, et al. v. Smash Solutions, et al.

Matt,
Do you have time for a call this afternoon? Thanks.

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On Thu, Jan 2, 2020 at 2:45 PM Matthew C. Barneck <Matthew-Barneck@rbmn.com> wrote:

Gentlemen:

Now that you have appeared for the Plaintiffs, we propose a phone conference soon to discuss the status of the case. In our view, the Plaintiffs have fact discovery obligations that are past due. Attached are copies of some discovery requests and responses, along with two meet-and-confer letters. There may be other issues for us to discuss as well.

Please let us know if you have time to coordinate by phone this coming week. Thank you.

Matthew C. Barneck



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